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SERVICE DATE – NOVEMBER 10, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 167 (Sub-No. 1189X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN HUDSON
COUNTY, NJ

Docket No. AB 55 (Sub-No. 686X)

CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—IN
HUDSON COUNTY, NJ

Docket No. AB 290 (Sub-No. 306X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

Decided: November 9, 2015

On November 2, 2015, the Surface Transportation Board (Board) served a decision that, inter alia, granted in part and denied in part a motion filed by a group of intervenors (the LLCs).¹ The LLCs had asked that the Board unseal a shipper statement that was classified as highly confidential and attached to a motion to compel filed by the City of Jersey City (the City) as Exhibit D. The Board gave the City until November 12, 2015, to file an unredacted, confidential version and a public version of Exhibit D.

On November 3, 2015, the City filed a request for clarification, indicating that CNJ Railroad (CNJ), not the City, had prepared Exhibit D and had classified it as highly confidential. Stating that CNJ supports its request, the City asks that the Board clarify that CNJ is responsible for complying with Board's directive regarding the LLCs' motion. On November 6, 2015, the LLCs replied indicating that they do not object to CNJ's preparing the confidential and public versions of Exhibit D.

¹ The LLCs comprise the following entities: 212 Marin Boulevard, LLC; 247 Manila Avenue, LLC; 280 Erie Street, LLC; 317 Jersey Avenue, LLC; 354 Cole Street, LLC; 389 Monmouth Street, LLC; 415 Brunswick Street, LLC; 446 Newark Avenue, LLC; and NZ Funding, LLC. The LLCs have an ownership interest in a set of properties along the Harsimus Branch.

The Board will grant the City's request and clarify that CNJ is responsible for producing the unredacted, confidential version and a public version of Exhibit D in accordance with the Board's November 2, 2015 decision.

It is ordered:

1. The City's request is granted.
2. CNJ has until November 12, 2015, to file an unredacted, confidential version and a public version of Exhibit D in accordance with the Board's November 2, 2015 decision and the Protective Order in this proceeding.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.